

REMARKS/ARGUMENTS

Re-examination and favorable reconsideration in light of the above amendments and the following comments are respectfully requested.

Claims 25 - 37 are pending in the application. Claims 25 - 27, 29, and 31 - 37 stand rejected; and claims 28 and 30 were objected to.

By the present amendment, claims 28 and 30 have been placed into independent form and thus are allowable. Further, claims 25, 33, and 36 have been amended.

In the office action mailed October 12, 2010, claims 33 - 35 and 37 were rejected under 35 U.S.C. 102(b) as being anticipated by U.S. Patent No. 2,107,587 to Smith; claims 25 - 27, 29, and 32 - 37 were rejected under 35 U.S.C. 102(b) as being anticipated by U.S. Patent No. 6,752,901 to Musse; and claims 25 - 27, 29, 31 - 32, and 36 were rejected under 35 U.S.C. 103(a) as being unpatentable over Smith in view of Musse.

The foregoing rejections are traversed by the instant response.

Independent claim 25, as amended herein, is directed to an apparatus for locally increasing pressing pressure on a press tool which, by means of an abutment surface thereon, is clampable against a clamping surface in a press, said apparatus comprising: the abutment surface of the press tool being smaller than the clamping surface in said press; a power unit provided in a contact region between the clamping surface in the press

and the abutment surface of the tool; said power unit being configured on activation to press away from the clamping surface at least a part of the abutment surface on the tool; said power unit comprising at least two plates defining an interspace between said at least two plates; said at least two plates being circumscribed by and being fastened to a frame member extending along peripheries of the plates; and said interspace being capable of being sealed during operation and being filled and pressurized by means of an incompressible fluid.

With respect to the anticipation rejection of claim 25 based on U.S.P. 6,752,901 to Musse, Applicants' comments in their previous response are applicable herein and are incorporated by reference. Further, while the Examiner has expressed his interpretation of Musse, the Examiner errs because it is not his interpretation that matters. What matters is how one of ordinary skill in the art would interpret the reference.

Musse is directed to a press for applying a coating material (25) in the form of papers or films to a workpiece (24). The coating press (14) of Musse has press cylinders 23 which act on press platens (16, 17) between which are pressure plates (15) and disposed above them are hydraulic cushions (1). The Examiner says that the tool (15) has a clamping surface (16); however (16) is a press platen which does not have a surface which clamps anything. Thus, the Examiner has failed to identify a clamping surface an abutment surface which the Examiner has deemed to be the middle portion of the tool; however in reality the entire surface, not just the middle portion is an abutment surface. Further, regardless of what is deemed to be the abutment surface, it can not be smaller than the clamping surface, because there is no clamping surface in

Musse. As for the alleged power unit, the hydraulic cushions provide no power and thus do not form a power unit. Even if the power unit were to be deemed to be the two hydraulic cushions, the cushions do not press away from the clamping surface. If anything, they travel with the press platens and the pressure plates. Still further, it is physically impossible for the hydraulic cushions to be recessed in the clamping surface because of the press platens (16). Still further, there is no disclosure in Musse of the hydraulic cushions being circumscribed and fastened to a frame member extending along peripheries of the plate. What is being described in col. 6, lines 1 - 4 of Musse is the structure of the hydraulic cushion, not the structure of something circumscribing and being fastened to a frame member extending along peripheries of the plate. Finally, the hydraulic cushions do not form an interspace which is capable of being sealed during operation and which is capable of being filled by an incompressible fluid.

For these reasons, Musse does not anticipate the subject matter of claim 25.

With respect to the obviousness rejection of claim 25, the Examiner admits that Smith does not expressly disclose that the two plates are circumscribed by and being fastened to a frame member extending along peripheries of the plates. As for the missing subject matter of Smith, as discussed above, Musse does not cure this defect since it too lacks two plates which are circumscribed and fastened to a frame member extending along peripheries of the plates. Thus, even if combined, the two references do not teach or suggest the claimed subject matter. Still further, there is no disclosure in Smith of the interspace being capable of being sealed during operation and being filled

and pressurized by means of an incompressible fluid. This is because there is no reason why Smith would want to seal the interspace and fill it with an incompressible fluid.

For these reasons, claim 25 is allowable over the combination of Smith and Musse.

Claims 26, 27, 29, 31, and 32 are allowable for the same reasons as claim 25 as well as on their own accord.

With regard to independent claim 33, as amended herein, it is directed to an apparatus for locally increasing pressing pressure on a press tool comprising: a clamping surface in a press; said clamping surface being adapted for clamping an abutment surface on the press tool thereagainst and for performing reciprocal movements for operating the press tool between an open position and a closed pressing position; a power unit provided between the clamping surface and the abutment surface; said power unit being smaller than the abutment surface; said power unit being connected to a source of pressurized hydraulic fluid for exerting when activated by said hydraulic fluid a locally increased pressure from the clamping surface on the abutment surface; said power unit comprising two plates defining an interspace therebetween; said interspace being capable of being sealed during operation and being capable of being filled and pressurized by means of said pressurized hydraulic fluid.

Claim 33 is allowable over Musse for the reasons discussed above.

Claim 33 is allowable over the Smith reference for the following reasons. The Smith patent is directed to an apparatus

for forming paper boards or plates. The Smith apparatus has upper and lower platens, either or both of which may be movable. The lower movable platen f is controlled by a hydraulic ram and cylinder so that it moves towards and away from the upper platen. Within part of the lower platen f, there is mounted a plate g having a rubber or a rubber and felt or other like flexible surface h adapted to be pressed into contact with the sieve plate e so that a layer of pulp i is transferred from the sieve to the flexible body whereupon a further layer is deposited on the sieve and subsequently couched upon the flexible body and so on until a board or plate of the desired thickness has been transferred to the flexible body.

Clearly, Smith lacks the following elements of claim 33: (1) a clamping surface - reference f refers to the movable lower platen; (2) a clamping surface adapted to clamp an abutment surface on the press tool - with regard to this, the Examiner has not identified the abutment surface allegedly clamped by the clamping surface because there is none; (3) there is no power unit provided between any clamping surface and any abutment surface - the platen is driven up and down by the hydraulic ram depicted in the figure - k is not a power unit, it is an inflatable bag which is not used during operation; (4) a power unit smaller than abutment surface - as noted above the Examiner does not identify what the abutment surface is; and (5) the power unit provided between the clamping surface and the abutment surface which is connected to a source of pressurized hydraulic fluid - the only thing connected to pressurized hydraulic fluid in Smith is the ram.

Still further, it should be noted that the ram in Smith operating the lower platen does not perform any pressing action.

It only lifts the flexible surface h close to the sieve e so that a thin layer of pulp adhering to the sieve e could be transferred to the flexible surface h. It should also be noted that inflatable bags k are not used during the process (see page 1, right col., lines 20 - 22). During the formation of the paper board, i.e. during the real pressing operation, the lower platen is locked in position by the pivoted latches 1. Then the bags k are inflated by water or air to press the pulp i collected on the flexible surface h against the sieve e so that water is removed. Smith simply fails to disclose the claimed power unit.

Still further, Smith lacks an interspace formed between two plates which is capable of being filled and pressurized by means of an incompressible fluid. To introduce an incompressible fluid into the space between the two platens in Smith would cause the paperboard forming process in Smith to fail. The incompressible fluid would interfere with the transfer of the layer (i) to the flexible body. Thus, to present Smith with such a modification would destroy it for its intended purpose.

For these reasons, claim 33 is not anticipated by Smith.

Claims 34 - 37 are allowable for the same reasons as their parent claims as well as on their own accord.

For the foregoing reasons, the instant application is believed to be in condition for allowance. Such allowance is respectfully solicited.

The instant amendment after final should be entered since it reduces the issues for appeal by placing the case in condition for allowance. Further, the instant amendment does

not require any further consideration and/or search on the part of the Examiner and does not contain any new matter.

Should the Examiner believe an additional amendment is needed to place the case in condition for allowance, the Examiner is hereby invited to contact Applicants' attorney at the telephone number listed below.

A three month request for extension of time and a notice of appeal are enclosed herewith. The Director is hereby authorized to charge the extension of time fee of \$1,110.00 and notice of appeal fees in the amount of \$540.00 to Deposit Account No. 02-0184.

If the Director determines that an additional fee is due, he is hereby authorized to charge said fee to said Deposit Account 02-0184.

Respectfully submitted,

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